



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**August 8, 2005**

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**SUBJECT:**            **2005-0509 - Chung Tai Zen Center Of Sunnyvale**  
[Applicant] **Chung Tai Intl Chan Buddhist Assn** [Owner]:  
Application on a 1.5-acre site located at **750 East Arques**  
**Avenue** in an M-S (Industrial & Service) Zoning District.  
(Negative Declaration) (APN: 205-32-007) :

Motion                Use Permit to allow a community / cultural place of  
assembly;

**REPORT IN BRIEF**

**Existing Site**                One industrial building surrounded with a parking  
**Conditions**                lot to the south and east, and landscaping on the  
north and west side of the lot.

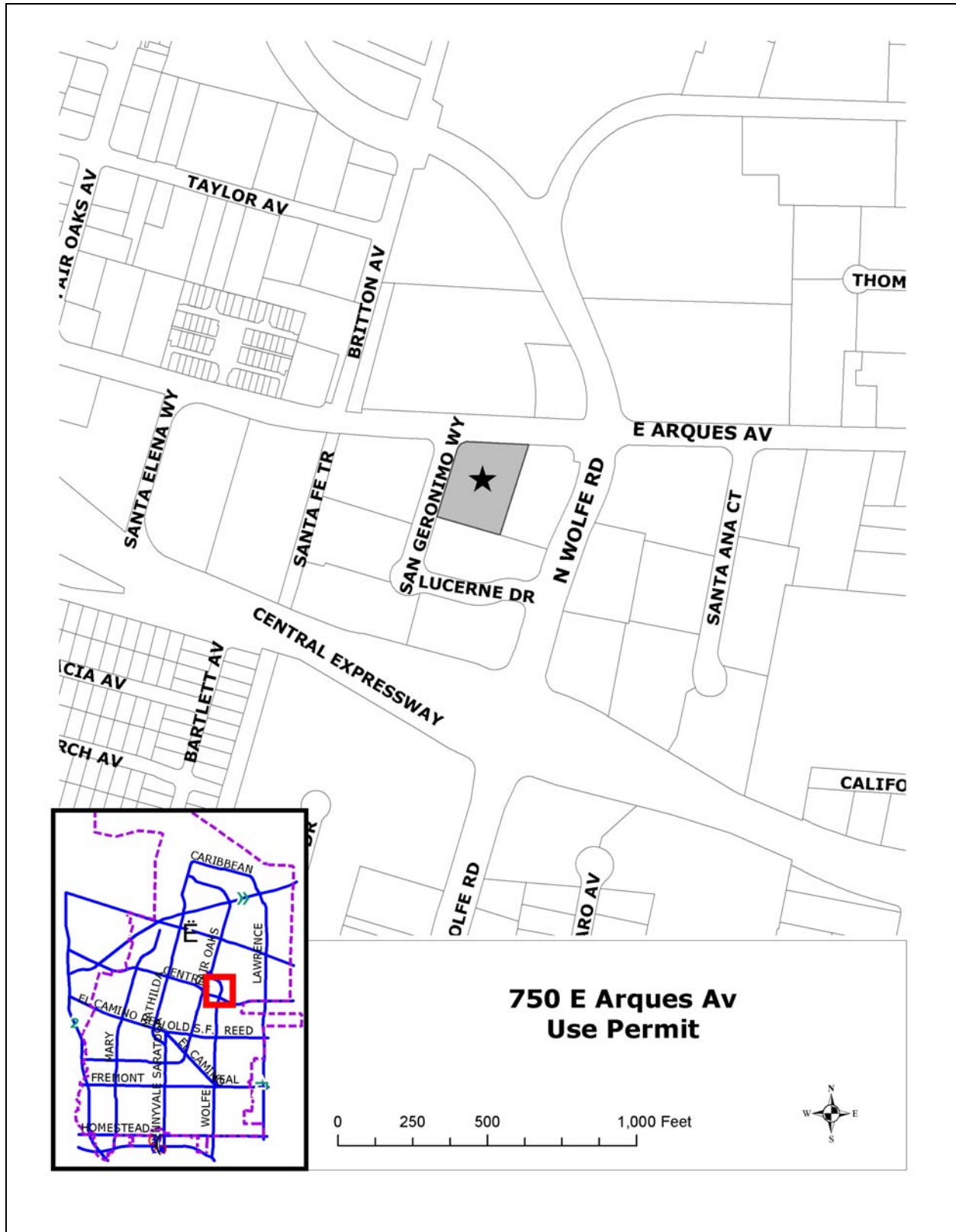
**Surrounding Land Uses**

North	Across Arques Avenue, high density residential and a municipal fire station.
South	Research & Development office.
East	Research & Development office and a community center.
West	Across San Geronimo Way, Research & Development offices and a church.

**Issues**                        1) Community Center Use in Industrially Zoned area,  
2) Residential Use,  
3) Parking,  
4) Landscaping

**Environmental**                A Negative Declaration has been prepared in  
**Status**                        compliance with California Environmental Quality  
Act provisions and City Guidelines.

**Staff**                            Approval with Conditions  
**Recommendation**



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial	Same	Industrial
<b>Zoning District</b>	MS	Same	MS
<b>Lot Size (s.f.)</b>	63,162	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	19,487	Same	28,423 max.
<b>Lot Coverage (%)</b>	31%	Same	45% max.
<b>Floor Area Ratio (FAR)</b>	31%	Same	35% max. without PC review
<b>No. Buildings On-Site</b>	1	Same	---
<b>Building Height (ft.)</b>	17.5	Same	75 max.
<b>No. of Stories</b>	1	Same	8 max.
<b>Setbacks</b> (Facing Property from Arques)			
<b>Front</b>	29	Same	25 min.
<b>Left Side</b>	70	Same	0 min. one side (20 total min.)
<b>Right Side</b>	30	Same	15 min. (frontage)
<b>Rear</b>	64	Same	0 min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	11,226*	Same	12,633 min.
<b>% Based on Lot</b>	17.7%*	Same	20% min.
<b>Frontage Width (ft.)</b>	30	Same	15 min.
<b>Parking</b>			
<b>Total Spaces</b>	76	91	60 – 144 min.**
<b>Standard Spaces</b>	74	59	35 - 108 min.**
<b>Compact Spaces/ % of Total</b>	0 / 0	25 / 27%	21 - 50 / 35% max.
<b>Accessible Spaces</b>	2	7	3 - 5 min.
<b>Bicycle Parking</b>	0	2 Class I, and Class II (for 13 bikes)	2 Class I, and Class II (for 13 bikes) min.

★ Starred items indicate deviations from Municipal Code requirements.

\* The landscaping deviation is an existing condition.

\*\* Actual deviation may vary based on analysis used.

**ANALYSIS**

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**Description of Proposed Project**

The applicant has proposed use of an existing one-story building as a community religious center for the practice of Zen Buddhism in an Industrial Zoned area. The proposal includes minor modifications to the exterior of the building and re-striping of the parking lot.

During the application process, the applicant expanded their request to include residential apartments for 4 adults to serve as officiates for the site (including an Abbott and Monks). The applicant has stated they are willing to withdraw the request for residential if it will result in denial of their application. If the Planning Commission wishes to consider residential use of the site, staff will need to revise the initial environmental study, which was based on non-residential use.

**Background**

The City Council has expressed concern with the compatibility of community centers being located in Industrial Zoned areas and has directed staff to study the impacts and possible requirements for places of assembly in industrial and commercial zones. The results of this study issue are not anticipated until early 2006. This study may also include analysis of modifying and updating parking standards for assembly uses to better address current needs and practices in Sunnyvale.

While staff typically takes a conservative approach to proposals for community centers in an Industrial zoned areas, the subject site is located in an ITR area that is transitioning to a residential area and is grouped with similar types of uses. It is also across the street from a Residential Zoned area and a Fire Station. The table below lists similar type projects in the area.

<b>Facility</b>	<b>Staff Comment</b>
Church 740 E. Arques Ave	Located across the street from subject site in an Industrial zoned area (approved 2003).
Community Center 285 North Wolfe Road	Located next to subject site in an Industrial zoned area. Approval granted for 3 years only (until March 2007).
Church 1145 Arques Ave	Project approved in 1991, in an area with several service-type uses.

Facility	Staff Comment
Adult Day Care Center 1197 E. Arques Ave	Located in near service-type uses, limited to 90 people during daytime hours only. State regulations require transportation services for adult day care (approved 2003).
Child Development Center 1185 Arques Ave	Project approved in 1991, in an area with several service-type uses.

The Chung Tai Zen Center of Sunnyvale (the Center) is currently in operation at 1031 N. Fair Oaks Avenue in an Industrial-to-Residential Zoned area. The Center needs to be relocated due to planned redevelopment of their current site; construction is occurring on neighboring sites.

The applicant also seeks to relocate the Center to the subject site as it allows more space for the existing activities. The currently rented space has only three main areas: a meditation hall, reception area, and library. The Center teaches several methods of Buddhist practice, including the greeting of the Buddha, classroom learning, sitting meditation, and walking meditation. The current Center layout requires interruption of the transition between the different forms of practice while the furniture is moved. The larger floor space of the new site offers different rooms for each of these types of practice, only requiring the practitioners to enter a different room for a different phase. This both enhances the meditative practice and allows for a modified analysis of the use of the space for parking requirements.

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing / Decision	Date
1967-0093	Variance to allow a 29 foot front yard setback where 35 feet is required by SMC.	Planning Commission / Approved	9/11/1967

The building on the site is currently vacant. It was formerly used as a sales office for a high-tech computer firm.

### **Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

In the initial set of plans, there was a room designated as the “master’s quarter’s” that appeared to be a private study. It did not become clear to staff until later discussions with the applicant that this room was being proposed as a full-time residence. An analysis of the site for residential use was therefore not included in the Initial Study. On a subsequent revision of the floor plan, the applicant increased the proposed residential use to four units, increasing the impact of residential use as a potential issue. Recently, the applicant has proposed withdrawing the request for a residential use on the site.

According to the City’s Hazardous Materials Coordinator, the property abutting the site to the south has a permit for use of hazardous materials. The chemicals registered for use by Accurel Systems International include small quantities of various corrosives and several gallons of flammable liquids and gases. However, based on quantities stored at this location, the City’s Hazardous Materials Coordinator has indicated that none of the chemicals pose a significant risk to occupants of the neighboring sites.

The Industrial Zoning District allows many types of industrial uses. Historically two semiconductor uses were previously located in the area. Currently there are no uses within the area that operate with significant hazardous materials that would conflict with the proposed use. The proposed use could affect the use of hazardous materials by future potential businesses that are permitted as a matter of right in this zoning district.

Based on the presence of chemicals on the neighboring site, staff is not recommending approval of residential use of the site. If the Planning Commission would like to explore residential use on the site, an new initial study should be prepared.

### **Use Permit**

**Description of Use:** The applicant has proposed a community religious center and a long-term residence for the center’s four adult officiates. The community center would include community education on the Zen Buddhism practice (classes, workshops and library materials), meditation and lunch for participants. The applicant has noted that if the request for on-site residences for the Center’s officiates would result in the project being denied, then the request for residential use would be withdrawn.

The center’s activities and proposed times of operation are detailed below (for more details, see Attachment G).

Activity	Day of Week	Hours	Frequency	Number of Practitioners
General Operations	Tuesday – Sunday (Closed Mondays)	10 a.m. – 10 p.m.	year-round	Up to 5 Monks and 5 volunteers.
Mediation & Buddhism classes	Tuesday – Sunday	10 a.m. – 12 noon and 7:30 p.m. – 9:30 p.m.	3 – 8 classes per week	20 to 40 per class, one class at a time
Library Resource	Tuesday – Sunday	10 a.m. – 6 p.m.	As requested when Zen Center open	Typically 0 to 10 at one time
Lunch (in conjunction with class or service)	Tuesday – Saturday, and Sunday	Tues-Sat: 12 noon – 1 p.m. and Sunday: 12 noon – 1:30 p.m.	Tues-Sat: 2-3 times per week, and Sunday: 2 times per month	Tues-Sat: 5 – 15, Sunday: 25-30 after retreat, 30-60 after monthly service.
Meditation Retreats	Sunday	9 a.m. – 12 noon or 9 a.m. – 5 p.m.	1 <sup>st</sup> Sunday of the month	30 – 40
Buddhism Workshops	Sunday	9 a.m. – 12 noon or 9 a.m. – 5 p.m.	3 – 4 times a year	20 – 40
Sunday Zen Services	Sunday	Regular Service: 10 – 11:15 a.m. Monthly service: 10 a.m. – 12 noon Annual service: 10 a.m. – 12 noon	Regular: held weekly, Annual: on Buddha's birthday	Regular: 15-25, Monthly: 70-100, Annual: 100-150
<i>Resident Monks</i>	<i>Monday - Sunday</i>	<i>Full time year-round</i>	<i>Monday - Sunday</i>	<i>Up to 4 Monks</i>

**Site Layout:** The site is located on a corner lot at the intersection of East Arques Avenue and San Geronimo Way. The 1.45 acre lot has an existing one-story 19,487 square foot industrial building located in the center of the lot. The parking lot is located along the south and east boundaries, with landscaping along the north and west side of the building. No changes to the site layout are proposed.

**Solid Waste:** A solid waste and recycling enclosure is required for the site to meet Municipal Code requirements.

**Undergrounding:** The Sunnyvale Municipal Code requires all utilities and communication services associated with new development, redevelopment,

subdivision or change in use to be placed underground. The proposed change in use of the property will therefore require the current overhead utilities located on the northern boundary of the site (along the street frontage) to be undergrounded.

**Architecture:** The existing building is a standard one-story industrial tilt-up building. The applicant has proposed the addition of modest decorative features to the front of the building to enhance the appearance and provide the visual aesthetic associated with a place of Zen Buddhist practice (see elevations in Attachment D). Although the changes are minimal, staff supports the recommended enhancement particularly as the Use Permit is recommended for a three-year period only. Any proposed signage requires a separate sign permit.

**Landscaping:** The existing lot configuration results in a legal non-conforming situation as the site not meeting the Code requirements for landscaping (17.7% of lot is landscaped where 20% is required). As there are no site plan changes and increasing the landscaping would result in a decrease in parking and given the parking deficit, staff is not recommending additional landscaping for this project.

The site currently has 24 trees on the site, 22 of which are protected heritage trees (trees that measure 38 inches or greater in circumference when measured at four feet from the ground). This number includes 6 street trees (5 protected) that may be impacted by the installation of a public sidewalk. The species of trees include Pine, Eucalyptus, Cedar, Palm and Olive. The applicant has proposed removing the 5 Pine trees located along the perimeter of the building (4 are protected). Staff recommends retaining the 5 existing trees as they contribute to parking lot shading.

The City Code requires installation of a public sidewalk along the north and west boundaries (Arques and San Geronimo). The potential impact to the 6 trees located in the public right-of-way may be addressed through specific sidewalk construction requirements and by allowing for a meandering sidewalk design.

**Parking/Circulation:** Section 19.46.050 of the Sunnyvale Municipal Code defines the City's requirements for parking based on type of use. The Code distinguishes between places of assembly as they are used for religious purposes and for recreational or social purposes. However, when this section of the Code was developed, the religious assembly uses were based on a more narrowly defined practice of religion. More recently, Sunnyvale has seen a greater diversity in cultural and religious practices. This presents a challenge to staff to most appropriately identify the needs of the proposed use for a site. In this application, the proposed use calls for a modified calculation of the



parking requirements and associated conditions to ensure that any potential future uses of the site are limited to the proposed use, or reviewed to ensure the parking availability meets the demand.

**Parking Based on Floor Area:** The Zoning Code parking requirement for religious facilities is based primarily on one or more major assembly areas (1 space/21 sq. ft. or 1 space/3 fixed seats) and on the number of employees (1 space/employee). For a community center, the parking is based on the major assembly areas (1 space/21 sq. ft. or 1 space/3 fixed seats) and on a general calculation for additional floor spaces areas (1 space/400 sq. ft.) If the space may be used for different purposes over time, that area may also be calculated based on the "other uses not listed" category areas (1 space/180 sq. ft.)

The parking requirement for the project based on floor area is detailed in the following table. While the calculation for each assembly area is indicated, staff recommends determining the actual requirement based on how the site will be used and conditioning it as such. The parking requirement may also be reduced by establishing a maximum number of users of the site at any given time.

Type of Use	Area (sq. ft.)	Parking Calculation	Spaces Required
Primary Assembly Halls (to be used consecutively): a) Zen Hall* b) Lecture Hall c) Fellowship Hall/Cafeteria	a) 89 fixed seats b) 1,342 c) 1,890	a) $89/3 = 30$ b) $1,342/21 = 64$ c) $1,890/21 = 90$	90 - 184
Other open space (may restrict use): a) Open office b) Main Hall* c) Hall (or total area, not used for assembly)	a) 1,390 b) 369 c) 975 (2,734)	a) $1,390/21 = 67$ b) $369/21 = 18$ c) $975/21 = 47$ ( $2,734/180 = 16$ )	16 - 132
Other designated rooms: Conference Room, Classroom, Library, Office space	3,857	$3,857/180 = 22$	22
Additional Space	6,390	$6,390/400 = 16$	16
<b>Total</b>			<b>144 - 354</b>

\* Some rooms have space that is designed and designated solely for the use of officiates or religious symbols.

Using this approach, the site's planned 91 parking spaces would result in a parking deficit of at least 53. This may be increased to 54 spaces to allow for the location of a solid waste enclosure.

**Parking Based on People on Site:** The number of required parking spaces may also be determined by establishing the maximum allowable number of people on the site at any given time. In reference to the proposed list of uses, the maximum number of people on site during a normal week is 60 people, with the exception of the monthly Sunday services (up to 110 people), and one annual service/celebration (up to 160 people). The parking requirement for the project based on use of space is detailed in the following table.

Activity	Days	Hours	Number of Practitioners
General Operations (incl. residents), Mediation & Buddhism classes, Library Resource, lunch	Tuesday – Sunday	10 a.m. – 12 noon, 7:30 – 9:30 p.m.	60
Sunday Zen Services, Meditation Retreats, Buddhism Workshops	Sunday	Noon – 1:30 p.m. (9 a.m. – 5 p.m. for monthly retreats)	Regular: 40, Monthly: 100 (10 a.m. – noon), Annual: 150 (10 a.m. - noon)
<i>Residents only</i>	<i>Monday</i>	<i>All day</i>	<i>4</i>

Using this approach, the existing 91 parking spaces would generally exceed the demand, with the exception of one monthly event and one annual event. (The amount of available spaces may be reduced to 90 to allow for the location of a solid waste enclosure.) Parking for these 13 annual events which exceed the existing capacity may be specifically conditioned through a Transportation and Parking Management Plan (TPMP), requiring carpooling or a parking agreement with a neighboring site.

With regard to general circulation, the anticipated levels are not expected to exceed the design levels for this site, especially given the relatively small number of regular practitioners for classes and services. The exception to this may be the large monthly and annual services. The applicant has proposed off-site parking at 790 Lucerne Drive, approximately 275 feet south of the site, during the major events. It is of note that the subject site is located close to a major roadway, minimizing the overall impact of increased traffic in this area.

**Compliance with City Guidelines:**

*Community Center Use in Industrially Zoned Area.* The proposed use for this site is not permitted by right in this zoning district. The surrounding uses include residential, a church, a community center, and industrial uses. During the week, this facility typically serves working adults rather than families, youth or the elderly. The establishment of a community center may limit the future uses for the surrounding sites; however, those potential uses have already been affected by the church and community center.

The additional condition of limiting the duration of the use to 3 years enables the City to review the use after a period of time to determine the impact on the surrounding properties.

*Parking.* Unless there is a condition of approval limiting the use of the facility, the site does not meet the parking requirements for the proposed use. Given the size of the building, the site could be drastically under-parked for a maximum assembly usage. For example, the major assembly hall may be conditioned to not allow for concurrent use, and the maximum number of people on site may be limited to those proposed by the applicant. While such conditions may be difficult to monitor, they are clearly defined and should they be exceeded would be grounds for revocation of the Use Permit. The applicant has stated that practice of Zen Buddhism would itself be impacted by an excessive number of practitioners on a regular basis as the practice calls for calm and meditation, which is impacted by large volumes of people. The City does not approve the specific religious or cultural use of a site.

*Landscaping.* The existing site layout is not in compliance with the landscaping requirements (20% of site); however, given that the deficit is legal non-conforming, less than 3% of the lot area, there is not expansion to the building, and there could be a shortage of parking, staff does not recommend reducing parking to increase the landscaping.

**Fiscal Impact**

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Based on the hours of operation and the low attendance during evening peak commute hours, there will be no Transportation Impact Fee associated with this project.

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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Staff received over 115 letters of support from the community for approval of the site as a Zen Center (see Attachment F). The letters include support from

the Taipei Economic and Cultural Office in San Francisco, the Stanford Center for Buddhist Studies, the Mission College, and the Interfaith Council of Contra Costa County. There was also a supportive letter from the President of H-Square Corporation, who is a current neighbor to the existing Zen Center on Fair Oaks. He indicated that while initially skeptical, he has found the Zen Center to be a very courteous neighbor.

**Planning Commission Study Session:** The primary issues of concern raised during the study session were parking and circulation impacts, conflicts in parking with the neighboring religious and community centers, safety issues for the proposed residents, and resulting restrictions on the neighboring industrial uses.

A concern was raised regarding compliance with Building Code and security issues for the residential portion of the site. The project would be required to meet all current Building Code requirements prior to issuance of a final Occupancy Permit. This would include some level of security; however, the Planning Commission could also require additional measures.

With regard to the potential conflicts with the neighboring community and religious centers, the centers have different days of celebration during the year. Iranian Christian Church has their largest gatherings on Iranian (Persian) New Year, Easter and Christmas. Iranian New Year is celebrated on "the first Sunday of spring" (fluctuates annually, but usually falls in late March). The Indian Cultural Center does not have any particular special event during the year but their membership attendance will double from weekdays of 20-30 to 40-60 on Sundays. The Mother Earth Clay Art Center (located a block away and site of proposed shared parking) has regular classes and workshops, but typically no annual events (this year they celebrated their one-year anniversary the first week of July).

The primary annual event for the Zen Center is Buddha's Birthday, which occurs in mid to late May. The Center typically chooses a Sunday close to the actual date to celebrate the event. Other Buddhist special days do not have celebrations. Instead, they are discussed during the standard meditation classes. Parking conflicts based on celebration of major holidays is therefore not anticipated to be a problem.

The applicant does not have a specific estimate of the size of the Buddhist Community in the South Bay. There are approximately 500 names on their mailing list, though only 50 to 120 show up regularly throughout the week (not all at once). According to the applicant, the Chinese Buddhist population is not growing very fast. There is a slow increase among western participants who are interested in meditation or Buddhism, though they are not necessarily Buddhists, and many only attend for one or two visits. If the number of

participants continues to increase, the applicant has stated their intent to open a new center. This method of expansion through centers (rather than overcrowding one) has been their practice both in Taiwan and in the South Bay. The practice of Buddhism calls for maintaining a reasonably small sized group of participants in order to allow for and preserve the quiet ambience required for the practice.

The other issues raised by the Planning Commissioners were addressed earlier in this report.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> <li>Published in the <i>Sun</i> newspaper.</li> <li>Posted on the site.</li> <li>279 notices mailed to the property owners and residents within 300 ft. of the project site; 19 were returned by Post Office.</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City of Sunnyvale's Website.</li> <li>Provided at the Reference Section of the City of Sunnyvale's Public Library.</li> </ul>	<ul style="list-style-type: none"> <li>Posted on the City's official notice bulletin board.</li> <li>City of Sunnyvale's Website.</li> <li>Recorded for SunDial.</li> </ul>

## Conclusion

**Discussion:** While staff takes a conservative approach to community centers being proposed in an industrially zoned area, this site is located in an area that has undergone some transition, including residential development to the north and a religious center to the west, and a temporary community center to the east. Additionally, the requested use and recommended Conditions of Approval suggest that the impact on the surrounding properties will be minimal. Staff is therefore able to recommend a time-limited community center use for a modification of the proposed project. Specifically, staff recommends allowing the religious community center for up to 3 years with no residential use and with a Transportation and Parking Management Plan providing for shared parking. After 3 years, the applicant would need to re-apply to continue the use, which would allow the City to determine if the center was having a long-term negative impact on the industrially zoned area.

**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

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**Alternatives**

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1. Adopt the Negative Declaration and approve the Use Permit with attached conditions (including limiting use of the building and the number of attendees, and not allowing the residential uses).
2. Adopt the Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Use Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required (which could include review of residential uses).

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**Recommendation**

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Alternative 1.

Prepared by:

Jamie McLeod  
Project Planner

Reviewed by:

Gerri Caruso  
Principal Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans (without residential)
- E. Site and Architectural Plans (with residential)
- F. Zoning Map of Area
- G. Proposed Activities
- H. Letter from the Applicant
- I. Letters of Support from Other Interested Parties

**Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

***Land Use and Transportation Element.***

*Policy N1.14 Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides for a continuity of unique cultural/religious resource that may otherwise need to relocate out of the Sunnyvale community.

The Zen Center is proposed to be located in an Industrial zone, which may result in issues of compatibility. Staff finds that in the short term, the proposed use is compatible with the existing businesses and residences in the area. The property is located near residential uses and sites located in the M-S/ITR (Industrial to Residential) Zoning District. The proposed use may limit possibilities for new industrial uses to move into the area; however, as conditioned and due to the limited three-year duration of this permit, the City will have an opportunity to review the use again if the applicants choose to request to stay longer. Staff considers existing controls to be sufficient to address compatibility issues.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. While it may limit the uses on the neighboring sites, some of those potential uses have already been affected by an existing community center and a religious facility. The parking impacts are expected to be limited to 13 times per year, which may be addressed through a Transportation and Parking Management Plan. The major annual celebration for the Zen Center will not conflict with the major annual event of the two neighboring community centers.



**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Use Permit shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- G. Seismic upgrade required for entire building
- H. Seating in Zen Hall shall be fixed to the ground so seats are not movable.
- I. This Use Permit shall be restricted to three years from the date of occupancy, or four years from the date of Planning approval, whichever is less. To continue the use on the site, the applicant must then apply to the Planning Commission for another Use Permit which will include an analysis of impacts of the currently proposed use on

- the existing and neighboring sites. The applicant is advised to apply for the new Use Permit at least 3 months prior to the expiration date of this Use Permit to allow for continuity of use.
- J. Construct new sidewalk, curb, and gutter along both street frontage of the project site (East Arques and San Geronimo), taking into consideration existing mature trees.
  - K. Limit regular on-site attendance of both practitioners, volunteers or staff to 90 people at one time, with the following exceptions:
    - 1. During one Sunday a month, the attendance may be up to 100 practitioners if an approved Transportation and Parking Management Plan is developed and approved by the Director of Community Development for the additional 10 people, and
    - 2. Once a year (during April or May) up to 150 practitioners if an approved Transportation and Parking Management Plan is developed and approved by the Director of Community Development for the additional 60 people.
  - L. Replace driveway to meet current City standards.
  - M. Replace damaged gutter on San Geronimo.
  - N. Install a curb ramp at the corner of Arques and San Geronimo.
  - O. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
  - P. The developer shall work with the Santa Clara County Transit District in incorporating the design of the existing bus stops and shelter into the design for the sidewalk improvements.
  - Q. Hours of operation are limited to 8:00 a.m. to 10:00 p.m. Monday through Sunday.
  - R. Out-of door loudspeakers are prohibited.
  - S. Obtain a Business License (or submit a change of information for an existing license) prior to occupancy.
  - T. The entire site shall be used for the Zen Center as defined in the report. Portions of the site may not be leased for other uses.
  - U. The activities, hours of operation, frequency, and maximum number of practitioners shall not exceed those listed in the table under the Uses Section of this report, including community education on the Zen Buddhism practice (classes, workshops and library materials), meditation and lunch for participants.

- V. The number of practitioners on the site at any given time shall not exceed 91 with the exception of the 13 days per year that require implementation of the Transportation and Parking Management Plan.
- W. The major assembly halls (Zen Hall, Lecture Hall, and Fellowship Hall/Cafeteria), shall not be used concurrently.
- X. The Hall, Main Hall and Open Office area may not be used as places of assembly, but only as transitional spaces to move into one of the major assembly halls.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Meet all Building Code requirements and obtain all necessary Building Permits.
- B. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed and required off-site improvements, including for all improvement in the public right-of-way.
- C. This project shall comply with all standard DPW/Engineering conditions of approval (available upon request).
- D. Any existing deficient public improvements shall be upgraded to current City standards, such as driveway approaches and upgrade existing water meter to radio-read water meter.

**3. PARKING**

- A. Prior to obtaining a Building Permit, submit a Transportation and Parking Management Plan (TPMP) to the Director of Community Development for approval. The TPMP shall provide parking for 10 standard vehicles for the monthly large service and 60 for the annual large service, or shall provide transportation demand management measures that result in less demand for parking.
- B. If a shared parking agreement is used, it shall be recorded with the deed for both the subject site and the shared parking site prior to occupancy.

**4. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.

**5. EXTERIOR EQUIPMENT**

- A. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.

**6. LANDSCAPING**

- A. Maintain tall hedges surround the south and east perimeter of the site to serve as a buffer between properties.
- B. Allow for a meandering sidewalk (to be installed along the north and west boundaries of the site) to protect the existing trees.
- C. All existing landscaping and irrigation systems shall be maintained in a neat, clean, and healthful condition.
- D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- E. Maintain trees at minimum 30 feet intervals along side and rear property lines, except where mature trees are located immediately adjoining on neighboring property.
- F. Do not remove any existing trees unless a tree removal permit is approved.

**7. TREE PRESERVATION**

- A. Prior to issuance of a Building Permit, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval. Special measures may be required for installation of the sidewalk.
- B. The tree protection plan measures shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
  - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
  - 2. All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained.
  - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.

- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

**8. LIGHTING**

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development, to ensure site has adequate light in the parking lot area. Parking area lights shall include the following:
  - 1. Sodium vapor (of illumination with an equivalent energy savings).
  - 2. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
  - 3. Provide photocells for on/off control of all security and area lights.
  - 4. All exterior security lights shall be equipped with vandal resistant covers.
  - 5. Wall packs shall not extend above the roof of the building.
  - 6. Lights shall have shields to prevent glare onto adjacent residential properties.
  - 7. Upgrade street light poles to Marbelite.

**9. BICYCLE PARKING**

- A. Provide 2 Class I and Class II (for up to 13 bicycles) parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

**10. RECYCLING AND SOLID WASTE**

- A. Submit a detailed recycling and solid waste disposal facility design to the Director of Community Development for approval prior to the issuance of Building Permits.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.
- D. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.

**11. SIGNS**

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code and require a separate permit.

**12. UNDERGROUND UTILITIES**

- A. All existing utilities on the site or along the adjacent public right-of-way shall be undergrounded.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- C. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- D. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- E. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.
- F. A copy of an agreement with affected utilities companies for existing overhead utilities which are on-site or within adjoining rights-of-way shall be provided to the Director of Community Development prior to issuance of a Building Permit or a deposit or bond in an amount sufficient to cover the cost of undergrounding shall be made with the City.

**13. PUBLIC WORKS**

- A. Upgrade existing fire hydrants to Clow 75; existing hydrants shall be salvaged and returned to Public Works Department.